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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 IN RE: PHENYLPROPANOLAMINE  
8 (PPA) PRODUCTS LIABILITY  
LITIGATION,

MDL NO. 1407

9  
10 ORDER DENYING MOTIONS FOR  
RECONSIDERATION

11 This document relates to:

12 Turner v. Novartis Consumer  
Health, Inc, et al.,  
13 No. 03-347,

14 Moton v. Bayer Corp., et al.,  
No. 03-361,

15 Stamey v. Bayer Corp., et al.,  
16 No. 03-394  
17

18 On January 15, 2004, Plaintiffs filed Motions for Reconsid-  
19 eration of this Court's January 9, 2004 Orders of Dismissal  
20 dismissing plaintiffs' cases for failure to submit Plaintiff Fact  
21 Sheets ("PFS") as required by Case Management Order ("CMO") No.  
22 6. Having reviewed these motions, and, being fully advised, the  
23 Court finds and concludes as follows:

24 Local Rule 7(h) provides:

25 Motions for reconsideration are disfavored. The court  
26

1 will ordinarily deny such motions in the absence of a  
2 showing of manifest error in the prior ruling or a  
3 showing of new facts or legal authority which could not  
4 have been brought to its attention earlier with reason-  
5 able diligence.

6 On October 25, 2003, the parties in each of the above cases  
7 submitted a Joint Stipulation of Dismissal in the Event of Non-  
8 Filing of Plaintiff's Fact Sheet, providing for dismissal without  
9 prejudice of each plaintiff's claims if no PFS was filed and  
10 served by October 15, 2003. The January 9, 2004 orders from which  
11 plaintiffs seek relief dismissed plaintiff's claims pursuant to  
12 the above agreements.

13 Plaintiffs do not argue that they submitted fact sheets as  
14 required by CMO No. 6. Rather, they object to entry of the  
15 January 9, 2004 orders of dismissal on the basis that the above  
16 cases are stayed by a December 19, 2003 Order ("Stay Order"). The  
17 Stay Order, however, expressly states that the stay shall not  
18 affect the parties' obligations under CMO No. 6, shall not  
19 prevent parties from filing or opposing dispositive motions based  
20 on CMO No. 6, nor shall it prevent the Court from ruling on  
21 dispositive motions. Stay Order, at 2.

22 For the reasons stated above, plaintiffs have failed to show  
23 either manifest error or new facts or legal authority that could  
24 not with reasonable diligence have been brought to the Court's  
25 attention earlier. The Court hereby DENIES plaintiffs' motions  
26 for reconsideration.

1 DATED at Seattle, Washington this 20<sup>th</sup> day of January, 2004.

2  
3 s/ Barbara Jacobs Rothstein  
4 BARBARA JACOBS ROTHSTEIN  
5 UNITED STATES DISTRICT JUDGE  
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